

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORTO, INC.,)	
Plaintiff,)	
)	
v.)	
)	
WILLIAM GATEMAN, INDIVIDUALLY)	CIVIL ACTION NO. 04-11730 NG
and as TRUSTEE OF 200 UNION)	
STREET REALTY TRUST,)	
Defendant and)	
Third Party Plaintiff,)	
)	
v.)	
)	
ROBERTS CORPORATION,)	
Third Party)	
Defendant.)	

PLAINTIFF'S PRETRIAL DISCLOSURES

Plaintiff, Georto, Inc. ("Georto"), pursuant to Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(C), hereby submits the following pretrial disclosures regarding the evidence that it may present at trial scheduled for August 21, 2006 (other than solely for impeachment):

A. Witnesses

1) Georto expects to call the following witnesses at trial:

Eric M. Axelrod, LSP
Harding ESE, Inc.
107 Audobon Road
Suite 301
Wakefield, MA 01880

Francis A. Calnan (and/or other inspectors who inspected property)
Building Commissioner
City of Lynn
Building Department
3 City Hall Square
Lynn, MA 01901

Kevin Doherty
Roberts Corporation / Roberts Dismantling & Recycling Corp.
4 Bridle Ridge Road
Hudson, NH 03051
(603) 880-0122

William Gateman
93 Atlantic Avenue
Swampscott, Massachusetts

James Hawkins
Georto, Inc.
2980 McFarlane Road, Suite 202
Miami, FL 33133

Steven McIntyre
PM Construction Co., Inc.
P.O. Box 728
Saco, Maine 04072

Lauren McKinlay
Goldman Environmental Consultants, Inc.
60 Brooks Drive
Braintree, MA 02184
(781) 356-9140

Chad B. Michaud, P.E.
Geotechnical Engineer
S.W. Cole Engineering, Inc.
350 Rte. 108, Suite 208
Somersworth, NH 03878
(603) 692-0088

Phillip Morin
PM Construction Co., Inc.
P.O. Box 728
Saco, Maine 04072

Robert B. Stalker, Jr.
Roberts Corporation / Roberts Dismantling & Recycling Corp.
4 Bridle Ridge Road
Hudson, NH 03051
(603) 880-0122

Scott Wetherbee
Scott Wetherbee Contracting
3 Robin Road
North Reading, MA 01864
(781) 389-1621

Gregory C. Wirsén, MSc.
Green Seal Environmental
28 Route 6A
Sandwich, Massachusetts

2) Georto may call the following witnesses at trial if the need arises:

Jack Anetakis, Esq.
Bartlett Hackett Feinberg P.C.
10 High Street, Suite 920
Boston, MA 02110
(617) 422-0200

Sam Cohen
Envirotest Laboratory, Inc.
307 Pond Street
Westwood MA
781-278-0080

Clayton Collins
704-814-3648

James Doucett
Deputy Director of the Business Compliance Division in the Bureau of Waste Prevention
Massachusetts Department of Environmental Protection
1 Winter Street, 2nd Floor
Boston, MA 02108

Jackson Gateman¹
3 Tip Top Lane
Swampscott, Massachusetts

Steven R. Grant, P.E.

¹ Georto reserves the right to seek an appropriate court order compelling the deposition of Jackson Gateman due to his failure to comply with the subpoenas issued to him.

SRG Engineering Inc.
P.O. Box 925
Bray, ME 04039

Charles Jensch, Esq.
Krass Monroe, P.A.
8000 Norman Center Drive, Suite 1000
Minneapolis, Minnesota 55437

Dave Kraft, Vice President
KeyBank
1 Canal Plaza, 4th Floor
Portland, ME 04101
(207) 874-7175

George Laplume
PM Construction Co., Inc.
P.O. Box 728
Saco, Maine 04072

James J. Marotta, MAI / Kristina J. Duran
Marotta Valuation Advisors, Inc.
47A River Street, Suite 200A
Wellesley, MA 02481

Thomas Mattuchio / Giovanni Rossi
Thomas Mattuchio Construction, Inc.
P.O. Box 1166
Everett, MA 02149
(617) 389-1953

James McQuade
Construction & Demolition Debris Subcommittee
of the Solid Waste Advisory Committee
Massachusetts Department of Environmental Protection
1 Winter Street, 2nd Floor
Boston, MA 02108

William Nason
PM Construction Co., Inc.
P.O. Box 728
Saco, Maine 04072

Jay Nixon

Nixon Site & Demolition
792 Londonderry Turnpike
Auburn, NH 03032
(603) 647-8305

Kent Parks
Formerly with: Aaron Rents
309 East Paces Ferry Road, N.E.
Atlanta, GA 30305
(404) 237-4016

Richard Pearle
PM Construction Co., Inc.
P.O. Box 728
Saco, Maine 04072

Keeper of the Records
Roberts Corporation / Roberts Dismantling & Recycling Corp.
4 Bridle Ridge Road
Hudson, NH 03051
(603) 880-0122

Roberts Corporation employees/laborers/operators/drivers (Steve, Libb, Ray, Silvester, Willy, etc.)² on site
Roberts Corporation / Roberts Dismantling & Recycling Corp.
4 Bridle Ridge Road
Hudson, NH 03051
(603) 880-0122

Parrish C. Smolcha / Carla A. Wesley / Heather A. Boyd
Goldman Environmental Consultants, Inc.
60 Brooks Drive
Braintree, MA 02184
(781) 356-9140

Mark Sengelmann
Port City Design
43 Deering Street
Portland, ME 04101
(207) 761-9500

² Georto is awaiting Roberts Corporation's supplementation of its initial disclosures identifying the employees who worked on the project.

Carl Griffen / Clay Teter / Allen Green / Scott Hungate / Eugene Allision
Family Dollar Stores of Massachusetts, Inc.

Paul Yasi, Esq.
Two Salem Green
Salem, MA 01970
(978) 741-0400

Georto reserves the right to supplement this disclosure and to disclose further individuals and/or to supplement the disclosures set forth herein, including but not limited to rebuttal disclosures.

B. Witnesses Whose Testimony Is Expected To Be Presented By Deposition

Georto designates the following witnesses whose testimony is expected to be presented by means of a deposition:

Rule 30(b)(6) designees of Family Dollar of Massachusetts³

Georto reserves the right to supplement this disclosure and to disclose further individuals whose testimony is expected to be presented by means of deposition, including any witnesses who are unavailable to testify at trial and/or to supplement the disclosures set forth herein, including but not limited to rebuttal disclosures. Georto further discloses that it intends to read into evidence selected admissions from the deposition transcripts of certain party witnesses.

C. Documents and Exhibits

1) Georto expects to offer the following documents or exhibits at trial:

³ Georto only recently received documents produced by Family Dollar in response to the subpoena duces tecum issued to Family Dollar in 2005 and reserves its right to take such deposition.

- A. Selected Site Plans / Schematics / Maps, including but not limited to selected deposition exhibits.
- B. Photographs of property, including selected deposition exhibits, photos in reports, photos produced by Family Dollar
- C. Contract for Purchase and Sale of Real Estate dated June 18, 2003 between Gateman and Georto (Depo. Ex. 11)
- D. Quitclaim Deed recorded February 20, 2004 (Depo. Ex. 12)
- E. Trustee's Certificate dated February 9, 2004 (Depo. Ex. 13)
- F. Indemnification Agreement dated February 9, 2004 (Depo. Ex. 14)
- G. Declaration of Trust Establishing 200 Union Street Realty Trust (Depo. Ex. 1 / 60)
- H. GEC Phase I Environmental Site Assessment (Depo. Ex. 8 / 55C)
- I. GEC Reliance Letter to James Hawkins dated December 11, 2003, with fax cover sheet (see Depo. Ex. 30 / 55D)
- J. GEC Reliance Letter to KeyBank in care of James Hawkins dated February 11, 1004
- K. Contract for Purchase and Sale of Real Estate dated April 26, 2002 between Gateman and Family Dollar, as faxed to Georto by Gateman's counsel on July 7, 2003
- L. Demolition Permit dated October 9, 2001
- M. Letter dated March 4, 2002 from Francis Calnan to William Gateman (See Depo. Ex. 55D)
- N. Roberts / Gateman contract dated March 12, 2002 (Depo. Ex. 3)
- O. Roberts Corporation Customer QuickReport (Depo. Ex. 19)
- P. Change Order / work authorization for removal of demolition debris
- Q. Georto check to PM Construction for removal of debris per change order
- R. Demand letter to Gateman from D. Kerester dated April 26, 2004
- S. Expert reports, including:
 - i. S.W. Cole Geotechnical Engineering Evaluation dated May 13, 2004 (Depo. Ex. 31)
 - ii. Supplemental S.W. Cole report dated December 20, 2005
 - iii. Solid Waste Report of Gregory C. Wirsen, MSc, dated December 28, 2005
- T. Letter from Jack Anetakis to Gateman dated September 13, 2004 (Depo. Ex. 15)
- U. Documents regarding property taxes owed by Gateman

- V. Handwritten notations re proceeds (Depo. Ex. 2)
- W. Stipulated facts
- X. Demonstratives

2) Georto may offer the following documents or exhibits at trial if the need arises:

- A. 2001 and 2002 Demolition Applications
- B. Lauren McKinlay site inspection / interview notes (See Depo. Ex. 55A / 55D)
- C. Fax transmission from Gateman to Family Dollar dated May 7, 2002
- D. Roberts Corporation Daily Tracking Report (Depo. Ex. 43)
- E. Roberts Corporation Daily Job Reports (Depo. Ex. 44)
- F. Selected Notes of Roberts Corporation (Depo. Ex. 47/48)
- G. Selected communications from Clay Collins
- H. Hawkins/Gateman Letter of Intent (Depo Ex. 10)
- I. Fax from James Hawkins to Phillip Morin dated December 17, 2003
- J. GEC Report dated February 2, 2004 (Depo. Ex. 26)
- K. Fax from PM Construction to Paul Yasi dated February 6, 2004
- L. Additional Closing documents from Georto purchase of property from Gateman
- M. KeyBank loan closing documents
- N. AIA Contract PM-Georto (Depo. Ex. 49A)
- O. Contemporaneous notes of James Hawkins (Depo. Ex. 28)
- P. Notes of Steve McIntyre and Richard Pearle of PM (Depo. Ex. 29)
- Q. Proposals submitted to PM Construction for Removal of Debris
- R. Letter dated May 6, 2004 from PM to James Hawkins and enclosures (Depo. Ex. 49)
- S. Communications from PM to Georto regarding change order for removal of demolition debris
- T. Selected PM construction documents (costs, application for payment, payments, subcontractor change orders, subcontractor invoices, etc.)
- U. Thomas Mattuchio invoices and corresponding trucking/disposal slips, summaries, etc.
- V. Selected documents from City of Lynn Building Department file re property
- W. Selected documents from the City of Lynn Fire Department re property

X. Selected documents from Mass. Department of Environmental Protection re property

Georto reserves the right to supplement this disclosure and to disclose further documents and exhibits or to supplement the disclosures set forth herein, including but not limited to rebuttal disclosures.

GEORTO, INC.

By its attorneys,

/s/ Karin I. McEwen

Dale C. Kerester, BBO #548385

Karin I. McEwen, BBO #660597

LYNCH, BREWER, HOFFMAN & FINK, LLP

101 Federal Street, 22nd Floor

Boston, MA 02110-1800

(617) 951-0800

kmcewen@lynchbrewer.com

Dated: July 18, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 18, 2006.

/s/ Karin I. McEwen

Karin I. McEwen